

To: Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Wilson, Shari[Wilson.Shari@epa.gov]; Bromm, Susan[Bromm.Susan@epa.gov]
From: Johnson, Kathleen
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Subject: Heads Up: potential BDCP legislation

Hi folks,

You may recall that around Thanksgiving, Sen. Feinstein was working on legislation regarding the Bay Delta Conservation Plan. Ultimately, that effort did not go forward. We are now hearing that there is renewed activity on this front and there may be BDCP language being worked on which could be put in a western states drought bill or some other vehicle. I am aware that if the bill moves forward there may be a limited time period for EPA to react. Is there a way to make sure that OECA (in addition to OW) gets notified and a chance to comment if and when such a bill is tossed over the transom? Rumors include exemptions to the ESA and water quality objectives, site specific direction on 404 evaluations, etc.

BTW, we just had our third “policy meeting” with senior officials at the state and other federal agencies. There have been a lot of good discussions and the state has committed to do additional analysis and providing us with more explanations for their conclusions. They are likely to give us some of this information in March. There is still no schedule for when the Supplemental EIS will be released.

Kathleen H. Johnson

Director, Enforcement Division

U.S. EPA - Region 9

75 Hawthorne Street ENF-1

San Francisco, CA 94015

415/972-3873

johnson.kathleen@epa.gov